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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,814	10/11/2005	Eric Thelen	DE 030120	4271
24737 7590 06/22/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER NGUYEN, PHUNG	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 06/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/552,814

**Applicant(s)**

THELEN ET AL.

**Examiner**

Phung T. Nguyen

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/11/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Sant et al. (US 6,320,610).

**Regarding claim 1:** Van Sant et al. disclose compact imaging device incorporating rotatably mounted cameras comprising sensor means (44) for detecting objects in the proximity of the apparatus, and a directional pointing unit (56) which can be directed onto objects in the proximity of the apparatus (col. 5, lines 44-53, and col. 12, lines 60-66).

**Regarding claim 3:** Van Sant et al. disclose wherein the pointing unit comprises a mechanical pointing element which is mechanically movable in such a way that it can be directed onto objects in the proximity of the apparatus (col. 8, lines 35-38).

**Regarding claim 4:** Van Sant et al. disclose wherein the pointing unit comprises a light source for generating a concentrated light beam, and means for directing the light beam onto objects in the proximity of the apparatus (col. 5, lines 44-49).

**Regarding claim 5:** Van Sant et al. disclose wherein the light source is mechanically movable (col. 8, lines 35-38 and 52-55).

**Regarding claim 6:** Van Sant et al. disclose wherein means for directing the light beam comprise one or more mechanically movable mirrors (col. 5, lines 28-36).

**Regarding claim 7:** Van Sant et al. disclose a personification element having a front side, motion means for mechanically moving the personification element, means for determining the position of a user, and control means which are constituted in such a way that they control the motion means in such a way that the front side of the personification element is directed towards the user's position (fig. 3, col. 3, lines 44-65).

**Regarding claim 8:** Van Sant et al. disclose wherein the pointing unit is arranged on the personification element as shown in figure 3.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Sant et al. in view of Kirkpatrick et al. (US 6,901,561).

**Regarding claim 2:** Van Sant et al. do not specially disclose at least one memory for storing the position of objects. However, using the memory for storing the position of objects is old and well known in the art as taught by Kirkpatrick et al. (col. 3, lines 18-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Kirkpatrick et al. in the system of Van Sant et al. so that the system may recognize this position of objects which is an advantage.

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**Regarding claim 9:** Kirkpatrick et al. disclose means for speech recognition and speech output (col. 3, line 3).

**Regarding claim 10:** All the claimed subject matter is already discussed in respect to claims 1 and 2 above.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Iwamura [U.S. Pat. 6,498,628] discloses motion sensing interface.

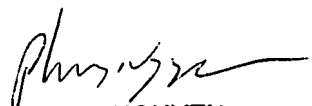
b. Kazama et al. [U.S. Pat. 6,111,580] disclose apparatus and method for controlling an electronic device with user action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung Nguyen whose telephone number is 571-272-2968. The examiner can normally be reached on Monday to Friday from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu, can be reached on 571-272-2964. The fax phone number for this Group is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 571-272-2600.

Date: June 18, 2007

  
**PHUNG T. NGUYEN**  
**PRIMARY EXAMINER**